

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL DAVID WHITE,

Plaintiff,

2:04-cv-2276-GEB-GGH-P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

AMENDED

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On November 2, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.¹

¹ On January 26, 2006, this court issued an order adopting the November 2, 2006, findings and recommendations. This order inadvertently failed to adopt the portion of the findings and recommendations recommending dismissal of the claims against defendant Shannon.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

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5 1. The findings and recommendations filed November 2, 2005, are adopted in
6 full; and

7 2. Defendants' May 19, 2005, motion to dismiss on grounds that plaintiff failed
8 to exhaust administrative remedies is denied;

9 3. Defendants' May 19, 2005, motion to dismiss for failure to state a claim is
10 granted with respect to the following claims: 1) imposition of the R suffix caused plaintiff to not
11 earn appropriate time credits; 2) the claims against defendants Prosper and Shannon.

12 Dated: May 1, 2006

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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